

## **DETAILED ACTION**

### ***Amendment***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/8/07 has been entered.

Applicant's amendments filed on 5/8/07 and 3/11/08 are acknowledged.

### ***Status of claims***

2. Claims 1-3, 5-8, 10, 11, and 16-29 are cancelled.

Claims 30-45 are newly added.

Claim 4 has been amended.

Claims 4, 9, 12-15 and 30-45 are pending.

Claims 12-15 have been withdrawn as non-elected invention.

Claims 4, 9 and 30-45 are pending.

### ***Examiner's amendment***

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tracey S. Truitt (Reg. No. 43,205) 3/13/08. The application has been amended as follows:

Claims 12-15 are canceled.

Claim 4.(Currently amended) An isolated nucleic acid that comprises a nucleotide sequence comprising at least about 95% sequence identity with a nucleotide sequence

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selected from the group consisting of SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, SEQ ID NO: 12, SEQ ID NO: 13, and SEQ ID NO: 14 said nucleotide sequence encoding a polypeptide selected from the group consisting of SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, SEQ ID NO: 5, SEQ ID NO: 6, and SEQ ID NO: 7.-

Claim 45.(Currently amended) An isolated nucleic acid comprising a nucleic acid sequence selected from the group consisting of: (a) a nucleotide sequence having at least 95% sequence identity with a nucleic acid selected from the group consisting of SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, SEQ ID NO: 12, SEQ ID NO: 13, and SEQ ID NO: 14; or (b) a nucleotide encoding a polypeptide selected from the group consisting of SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, SEQ ID NO: 5, SEQ ID NO: 6, and SEQ ID NO: 7; ~~or~~  
~~(c) (a) and (b) .~~

4. In view of amendment to the claims and cancellation of claims, all the rejections of record are withdrawn.

5. Claims 5, 9, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41,42,43, 44 and 45 are allowed and have been renumbered as 1-18 respectively.

### ***Conclusion***

6. Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform to the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The Right Fax number is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272-0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on (571) 272-0898.

/Padma v Baskar/

Examiner, Art Unit 1645

/Shanon A. Foley/

Supervisory Patent Examiner, Art Unit 1645